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EXTRAORDINARY

भाग II — खण्ड 2

PART II — Section 2

प्राधिकार से प्रकाशित

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NEW DELHI, THURSDAY, AUGUST 25, 2005 / BHADRA 3, 1927

इस भाग में खिल्ली पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in the Lok Sabha on 25th August, 2005:—

BILL No. 121 OF 2005

A Bill to provide for the constitution of an Inter-State River Water Regulatory Authority for the distribution of inter-State river water and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Inter-State River Water Regulatory Authority Act, 2005.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(i) "Authority" means the River Water Regulatory Authority constituted under section 4;

(ii) "inter-State river" means a river which originates in one State and flows into one or more States or a river which has a tributary originating or flowing in another State.

Inter-State
rivers to be in
exclusive
jurisdiction of
Central
Government.

Inter-State
River Water
Regulatory
Authority.

Composition
of the
Authority

Central
Government
to appoint
officers and
staff of
Authority.

Functions of
Authority.

Central
Government to
act on the
recommendations
of the
Authority.

Power to
make rules.

3. From and on the date of commencement of this Act, all inter-State rivers shall be under the exclusive jurisdiction of the Central Government and it is hereby declared that no State shall have any control on any inter-State river.

4. The Central Government shall constitute an Inter-State River Water Regulatory Authority.

5. (1) The Authority shall consist of the following:—

(i) a Chairperson, who shall be a retired Chief Justice of Supreme Court;

(ii) four other members who are retired and have held high positions in the Ministries of Water Resources and Energy of the Central Government.

(2) The Chairperson and the members of the Authority shall be appointed by the President on the recommendation of the Central Government.

(3) The members of the Authority shall hold office for a term of three years from the date of their appointment or until they attain the age of sixty-five years, whichever is earlier.

6. The Central Government shall appoint such number of officers and staff as it considers necessary for the efficient functioning of the Authority.

7. The Authority shall perform the following functions,—

(i) prepare a data base which shall include,—

(a) water resources available in each of the States, and

(b) the population and the water requirement of each State, alongwith the requirements of drinking water, irrigation, power, etc.

(ii) holding discussion with the State Governments regarding their requirement;

(iii) recommending to the Central Government the allocation of inter-State river water to each State;

(iv) advising the Government with regard to water harvesting policy;

(v) rendering expert advice to the State Governments regarding suitable methods of water harvesting and drainage;

(vi) assess the requirement of funds of each State for water-harvesting and review the requirement on request of the State concerned;

(vii) recommending to the Central Government about the release of funds to each State for water harvesting in rivers under its jurisdiction; and

(viii) any other work relating to water resource management that may be assigned to it by the Central Government from time to time.

8. On the basis of recommendations by the Authority, the Central Government shall,—

(i) distribute water of the inter-State rivers to each State; and

(ii) release funds to each State for water harvesting.

9. The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

As a result of smaller States being constituted in the country, the number of rivers passing through another State or States from the State of their origin has increased. Usually, the practice is that the upstream States store the river water at its originating point and the neighbouring downstream States do not get adequate water for their needs. During monsoon, water is released in the river by the State of its origin, as a result of which, the downstream States have to face the devastations caused by floods. In dry season, people of downstream States suffer from drought conditions. Water is one of the principal reasons of dispute amongst different States. Therefore, it has become necessary to bring all inter-State rivers under the exclusive jurisdiction of the Central Government. The Central Government should undertake the exercise of water sharing through a regulatory authority keeping in view the needs of various States. In addition, providing resources for water harvesting to States that are faced with floods and drought is also very important.

Hence the Bill.

NEW DELHI;

MOHAN SINGH

July 18, 2005.

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the constitution of a River Water Regulatory Authority. Clause 5 provides that the Central Government shall appoint the Chairperson and other members of the Authority. Clause 6 provides for the appointment of officers and staff for the efficient functioning of the Authority. Clause 8 provides for allocation of resources to States for implementing water harvesting policies framed by the Authority. The Bill, therefore, if enacted, is likely to involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees two hundred crore is likely to be involved per annum. A non-recurring expenditure of rupees fifty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purpose of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 110 OF 2005

A Bill to provide measures to promote small family norm and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Promotion of Small Family Act, 2005.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definition.

2. In this Act, unless the context otherwise requires "Government" means either the State Government or the Central Government, as the case may be.

No person
to procreate
more than one
living child.

3. No person shall procreate more than one living child after a period of one year from the date of commencement of this Act.

43 of 1951.

4. After section 8A of the Representation of the People Act, 1951, the following shall be inserted, namely:—

"8B. (1) A person shall be disqualified if he procreates more than one child:

Provided that the person shall not be disqualified if he, within a period of one year from the date of commencement of the Promotion of Small Family Act, 2005, procreates another living child and thereby the number of living children of that person increases to two.

(2) The disqualification referred to in sub-section (1) shall not apply in case of persons having more than one child on the date of commencement of the Promotion of Small Family Act, 2005.

5. A person who procreates more than one living child shall —

(a) not be given any employment in any services under the Government and if he is already in Government service, he shall not be eligible for benefits such as annual increment, health care facility, leave travel concession facility or any other facility which the Government provides to its employees from time to time; and

(b) not be entitled to have facilities of drawing ration from Public Distribution System.

6. Any person violating the provisions of this Act shall be punished with rigorous imprisonment for a term which shall not be less than one year and with fine which shall not be less than rupees one lakh.

7. Any person who voluntarily decides not to procreate a child shall be —

(i) provided a monthly allowance of rupees two thousand in case he is not a Government servant and rupees five hundred in case he is a Government servant;

(ii) provided with a suitable accommodation at subsidised rates;

(iii) given loans at reduced interest rates; and

(iv) given ration items at subsidised rates.

8. It shall be the responsibility of the Government to take care of the persons who remain childless after they complete the age of fifty years with respect to their boarding, lodging and medical needs.

9. In case any person, who has been given benefits under section 7, procreates a child, the benefits given to him shall be immediately withdrawn and the amount equivalent of the benefits given in the past shall be recovered from him.

10. The provisions of this Act and the rules made thereunder shall have effect notwithstanding that the provisions of this Act are inconsistent with any other law for the time being in force.

11. The Central Government may, by publication in the Official Gazette, make rules for carrying out the purposes of this Act.

Amendment
of the
Representation
of the People
Act, 1951.

Penalties for
violations.

Punishment.

Incentives for
those
choosing to
remain
childless.

Government
to look after
those who
remain
childless.

Penalties for
those
procreating
after getting
benefits under
section 7.

Act to have
overriding
effect.

Power to
make rules.

STATEMENT OF OBJECTS AND REASONS

The population explosion in the country is posing a serious threat and it is a great hindrance in the development of the country. The per-capita income in the country is among the lowest in the world despite the huge increase in GNP/GDP. We are not able to exploit the benefit of the latest technologies in various fields due to rise in population. Population explosion results in lack of food, water and other facilities including medical facilities for the general public. Our neighbouring country China has become very successful in controlling the population by adopting stringent measures, which proves the fact beyond doubt that without penal measures the population in the country cannot be controlled.

This Bill aims to achieve the above objective.

NEW DELHI;
July 20, 2005.

BALASAHEB VIKHE PATIL

FINANCIAL MEMORANDUM

Clause 7 of the Bill provides for giving benefits to those persons who decide to remain childless. Clause 8 provides that the Government shall be responsible for looking after the couples, who choose to remain childless. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India.

The State Governments will also incur expenditure from their respective consolidated funds although the Central Government will have to extend financial assistance to State Governments and also implement the provisions in Union territories. It is estimated that a sum of rupees two thousand crore per annum will be spent as a recurring expenditure from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill gives power to the Central Government to make rules for carrying out the purpose of the Bill.

The delegation of legislative power is of a normal character.

BILL NO. 108 OF 2005*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2005. Short title.

2. In the Seventh Schedule to the Constitution,—

(i) In List I, after entry 63, the following entry shall be inserted, namely:—

"63A. Education, including technical education, medical education and Universities; vocational and technical training of labour."; and

(ii) In List III, entry 25 shall be omitted.

Amendment
of the Seventh
Schedule.

STATEMENT OF OBJECTS AND REASONS

India's commitment to the spread of knowledge and freedom of thought among its citizens is reflected in its Constitution. At present, the subject Education, including technical education, medical education and Universities, etc. finds place in entry 25 of List III *i.e.* Concurrent List of the Seventh Schedule to the Constitution. The Central Government formulates educational policies for the country but leaves their implementation to the State Governments. The experience, however, shows that State Governments adopt indifferent attitude in the matter of implementation of the educational policies formulated by the Central Government due to paucity of funds or lack of will on their part. As a result, standard of education in States is not good. The present Bill seeks to transfer entry 25 from Concurrent List to Union List so that Union Government does not only formulate the educational policies but also has the responsibility of implementing those policies. The Bill will go a long way in improving the standard of education throughout the country.

The Bill seeks to achieve the above objectives.

NEW DELHI;
July 26, 2005

CH. LAL SINGH

BILL No. 120 OF 2005

A Bill further to amend the Constitution (Scheduled Castes) Order, 1950.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Scheduled Castes) Order (Amendment) Act, 2005. Short title.

2. In the Constitution (Scheduled Castes) Order, 1950,—

(i) in paragraph 3, the following proviso shall be added at the end, namely:—

"Provided that any person, who has converted to Christianity but originally belonged to a Scheduled Caste, shall continue to be a member of the Scheduled Caste."

Amendment of
paragraph 3,
etc.

(ii) in the Schedule, in Part VIII,—Kerala, the entries 34 to 69 shall be renumbered as entries 35 to 70, respectively, and before entry 35 as so renumbered, the following entry shall be inserted, namely:—

"34. Kudumbi."

STATEMENT OF OBJECTS AND REASONS

Many persons belonging to Scheduled Castes have converted to Christianity, thinking that it would save them from caste oppression and provide them new social status. But their expectations were belied and even of the conversion to Christianity, their social status has not changed. On the other hand, these people are denied the facilities of Scheduled Castes on account of change of their faith.

'Kudumbi' is a community in Kerala who came from Goa and Karnataka, centuries ago, along with the Konkanies, who migrated from these regions to Kerala. Konkanies who migrated to Kerala were Gauda Saraswata Brahmins and belonged to a upper caste and engaged in business. People who belong to 'Kudumbi' community were servants and helpers of Konkanies and belonged to Scheduled Castes. However, they are not included in the list of Scheduled Castes for the State of Kerala. In order to do justice to the community, it is necessary to amend the Scheduled Castes Order to include the caste in the list relating to Kerala.

The Bill seeks to achieve the above objective.

NEW DELHI;
July 25, 2005.

C.K. CHANDRAPPAN

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for extending the benefits, which at present are being enjoyed by the Scheduled Castes of Hindu, Sikh and Buddhist religions to those persons who belong to Scheduled Castes and converted to Christianity. The Bill, therefore, if enacted, will involve a recurring expenditure of about rupees ten crore from the Consolidated Fund of India per annum.

No non-recurring expenditure is likely to be involved.

BILL NO. 119 OF 2005

A Bill to provide for social security to the senior citizens, women, children and other disadvantaged sections of the society and for matters connected therewith or incidental thereto.

WHEREAS article 38(1) of the Constitution directs the State to strive to promote the welfare of the people by securing and protecting as effectively as it may, a social order in which justice, social, economic and political, shall inform all the institution of the national life;

WHEREAS article 38(2) of the Constitution provides that the State shall in particular strive to minimize the inequalities in income and endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations; and

WHEREAS article 39 of the Constitution directs the State to secure right of an adequate means of livelihood and equal distribution of material resources and the prevention of concentration of wealth:

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the National Social Security Act, 2005.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

Short title,
extent and
commencement.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different States.

2. The Central Government shall constitute a National Social Security Authority which shall be the apex body to frame policy guidelines on providing social security to senior citizens, women, children and other disadvantaged sections of society.

3. The National Social Security Authority shall consist of a Chairman and ten other members who shall be appointed by the Central Government.

4. The secretarial assistance to the Authority shall be provided by the Central Government in such manner, as may be prescribed.

5. The National Social Security Authority shall, subject to the general directions of the Central Government, perform the following functions, namely:—

- (a) frame guidelines to ensure health and education of all children;
- (b) frame long term policy for providing pre and post-natal medical assistance to the women in rural and slum areas;
- (c) frame suitable schemes for proper bringing up of children and construction of community homes for children belonging to poor families and providing food and education to them;
- (d) frame schemes for providing assistance to landless labourers and farmers affected by natural calamities and their dependants;
- (e) frame schemes for individual and group insurance of poor persons;
- (f) provide pension to senior citizens;
- (g) provide unemployment allowance to unemployed youth;
- (h) supervise the functions of State and District Authorities constituted under sections 6 and 8, respectively; and
- (i) frame the conditions of eligibility for availing of benefits under this Act.

6. Every State Government shall constitute a State Social Security Authority with the same composition as that of the National Social Security Authority and expenditure of the State Authority shall be met by the respective State Governments.

7. (1) It shall be the duty of the State Social Security Authority to give effect to the policies and directions of the National Social Security Authority.

(2) In the discharge of its functions under this Act, the State Social Security Authority shall, wherever appropriate, act in coordination with other Governmental or non-Governmental agencies, or persons engaged in social service.

8. Every State Government shall constitute a District Social Security Authority, which shall be headed by the District Magistrate and ten other members who shall be nominated by the State Government in every district.

9. A District Social Security Authority shall perform such functions as may be delegated to it from time to time by the State Social Security Authority.

10. In the discharge of its function under this Act, a District Social Security Authority shall, wherever appropriate, act in coordination with other Governmental and non-Governmental agencies or persons engaged in social service.

National Social Security Authority.

Composition of the Authority.

Central Government to provide secretarial assistance to Authority.

Functions of the Authority.

State Social Security Authority.

Duty of the State Social Security Authority.

District Social Security Authority.

Functions of the District Authority.

District Authority to act in coordination with other agencies.

11. The Central Government shall, after due appropriation made by the Parliament by law in this behalf, pay to the National Social Security Authority, by way of grants such sums of money as it may think fit.

Central Government to grant funds to the Authority.

12. The National Social Security Authority shall establish a fund to be called the National Social Security Fund.

National Social Security Fund.

13. (1) Every District Social Security Authority shall submit budgetary demands to the National Social Security Authority through the State Authority concerned at the beginning of each financial year for implementing the provisions of the Act.

District to submit its budgetary demand to the National Social Security Authority.

(2) The National Social Security Authority shall release such amount to a District Authority from the National Social Security Fund after considering such aspects as it may deem fit.

14. The National Social Security Authority, State Social Security Authority and the District Social Security Authority, as the case may be, shall maintain proper accounts and other relevant records and prepare an annual statement of accounts.

Authorities to maintain proper account.

15. The Comptroller and Auditor General of India shall audit the accounts of the National Social Security Authority, State Social Security Authority and District Social Security Authority.

Comptroller and Auditor General of India to audit the accounts.

16. The Central Government may, by notification, make rules for carrying out the provisions of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

India is having a population of more than a billion people and a sizeable proportion of our population is still living below the poverty line. The condition of those living marginally above the poverty line is also not much better. But, at present, there is no specific law to ensure social security to disadvantaged sections of the society viz. senior citizens, women, children and unemployed persons. The Directive Principles of State Policy enshrined in the Constitution directs the State to fulfil the above objectives. But no provision has been made for social security so far. Hence, it has become necessary to bring forward suitable legislation to make provision for social security.

The Bill seeks to achieve the above objective.

NEW DELHI;
July 26, 2005

BALASAHEB VIKHE PATIL

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for constitution of National Social Security Authority. Clause 3 provides for composition of the Authority. Clause 4 provides secretarial assistance to the authority. Clauses 6 and 8 provide that every State Government shall constitute State Social Security Authority and District Social Security Authority. Clause 11 of the Bill provides that Central Government, after due appropriation by the Parliament, pay grants to the Authority. Clause 12 provides for constitution of National Social Security Fund. Clause 13 provides that grants would be made to the district authorities from the National Social Security Fund. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. Expenditure in respect of State Social Security Authorities and District Social Security Authorities shall be borne out of Consolidated Funds of the respective States.

It is estimated that a recurring expenditure of rupees two hundred crore is likely to be involved from the Consolidated Fund of India. A non-recurring expenditure of rupees fifty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 16 of the Bill empowers the Central Government to frame rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 117 OF 2005

A Bill to provide for compulsory insurance of crops and livestock of the farmers and for matters connected therewith.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Agricultural Insurance Scheme Act, 2005.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) 'agriculture' includes the livestock reared by the farmers;

(b) 'appropriate Government' means the State Government or the Central Government, as the case may be;

(c) 'crop' means all agricultural crops and includes commercial crops;

(d) 'insurance company' means any public sector General Insurance Company authorised for the purpose of agricultural insurance;

(e) 'livestock' means all animals and birds reared by the farmers for domestic or agricultural or commercial purposes;

(f) 'natural calamity' means drought, floods, cyclone, storm and heavy rains;

(g) 'prescribed' means prescribed by rules made under the Act; and

(h) 'scheme' means Agricultural Insurance Scheme framed under section 3.

3. (1) The Central Government shall formulate a scheme to be known as Agricultural Insurance Scheme in the interests of the farmers.

(2) The scheme shall provide for—

(i) the terms and conditions of the insurance scheme;

(ii) the premium to be paid by the farmers for the insurance of their crops;

(iii) the compensation to be paid in case the farmer has to sell his crop below the minimum support price fixed by the Central Government;

(iv) the mechanism to assess the losses suffered by the farmers due to a natural calamity; and

(v) the mode of payment to the farmers for the insurance on account of losses suffered due to a natural calamity.

(3) The insurance scheme shall be applicable to all farmers and all crops.

4. (1) The insurance scheme shall be operated by the Central Government through an insurance company.

(2) It shall be the responsibility of the insurance company to pay the insurance amount to every farmer for the loss of crops and livestock suffered by him due to any natural calamity.

5. (1) The premium in respect of insurance shall be borne by the appropriate Government in such proportion as may be prescribed.

(2) Each farmer shall contribute such amount towards the premium as may be prescribed.

6. The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Agricultural
Insurance
Scheme.

Scheme to be
operated by
public sector
General
Insurance
Companies.

Premium.

Power to
make rules.

STATEMENT OF OBJECTS AND REASONS

It has been a common phenomenon that the standing crops are destroyed by the natural calamities every year and the farmers always suffer heavily. In most parts of the country, drought has also affected the crops and livestock. The frequent loss of crops suffered by the farmers has rendered them helpless and has even forced them to commit suicide. Due to the loss of crops and livestock, farmers are not in a position to repay their loans to money lenders.

In the last few years, heavy rains have damaged the crops and livestock in several parts of the country. Drought was also experienced in several other States which resulted in heavy loss to farmers. Farmers have not only been victimised by natural calamities but also by the Government by way of not procuring surplus crops from them. It is, therefore, necessary to enact a legislation for providing Agricultural Insurance Scheme so that farmers can be compensated for loss of their crops and livestock due to natural calamities.

Hence this Bill.

NEW DELHI;
July 26, 2005.

BALASAHEB VIKHE PATIL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for formulation of an Agricultural Insurance Scheme. Clause 5 provides that the premium in respect of insurance shall also be borne by the appropriate Government in such proportion as may be prescribed. The Bill, therefore, if enacted, is likely to involve a recurring expenditure of about rupees one hundred crore from the Consolidated Fund of India per annum.

No non-recurring expenditure is likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the matters of which rules are to be made will relate to detail only, the delegation of legislative power is of a normal character.

LOK SABHA

CORRIGENDUM

TO

THE AGRICULTURAL INSURANCE SCHEME BILL, 2005
BY SHRI BALASAHEB VIKHE PATIL, M.P.

(BILL No. 117 OF 2005)

[To be/As introduced in Lok Sabha]

Page 2, line 18,—

for “national calamity.” read “natural calamity.”

NEW DELHI;
22 August, 2005
31 Sravana, 1927 (Saka)

BILL NO. 118 OF 2005

A Bill to provide for measures and methods to control population and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Population Control Act, 2005.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

"(a) "appropriate Government" means in the case of a State, the Government of that State and in other cases, the Central Government;

"(b) "hospital" means and includes every dispensary or clinic or medical college providing medical services run by the appropriate Government or local authority or cooperative society or social organisation which engages qualified medical practitioner;

(c) "local authority" means Municipal Corporation, Municipal Councils, Zila Parishads, Blocks, Panchayats or any other authority established by law; and

(d) "prescribed" means prescribed by the rules made under this Act.".

Small family norm.

Amendment of the Representation of the People Act, 1951.

3. No person shall procreate more than two living children after a period of one year from the date of the commencement of this Act.

4. After section 8A of the Representation of the People Act, 1951, the following section 43 of 1951 shall be inserted, namely:—

"8B. (1) A person shall be disqualified if he procreates more than two children:

Provided that the person shall not be disqualified if he, within a period of one year from the date of commencement of the Population Control Act, 2005, procreates another living child and thereby the number of living children of that person increases to more than two.

(2) The disqualification referred to in sub-section (1) shall not apply in case of persons having more than two children on the date of commencement of the Population Control Act, 2005."

Disincentives for not adopting small family norm.

5. Any person who, after a period of one year from the date of the commencement of this Act, procreates more than two living children,—

(a) shall not be eligible for allotment of any house or land in any housing scheme launched by the appropriate Government;

(b) shall not be eligible to become a member of any cooperative society under the Cooperative Societies Act, 1912, for the purpose of acquisition of a house or plot 2 of 1912 of land for construction of house;

(c) shall not be eligible to avail of any loan or facility of any other kind from any Government or private financial institution under the control of the appropriate Government;

(d) shall not be eligible to avail of the facility of the public distribution system; and

(e) shall not be eligible for appointment in any establishment, office or public sector undertaking under the control of the Central Government.

Scheme for small family norm and incentives.

6. (1) The appropriate Government shall frame a scheme for promoting small family norm and provide following facilities to those couples who voluntarily undergo sterilisation after two living children,—

(a) payment of such cash rewards as may be prescribed; and

(b) free education to children of such parents in schools, colleges including medical and technical institutions.

(2) The appropriate Government shall take suitable steps to encourage media, non-governmental organisations, women organisations and Panchayat institutions to promote small family norm among public in rural areas and to guide married couples in use of preventive methods of birth control and provide them with suitable birth control devices free of cost.

Maternity benefits.

7. (1) The maternity benefits provided to a married couple by the appropriate Government shall be restricted to first two children.

(2) Every hospital shall maintain a record of births with all necessary details and produce the same on demand by the appropriate Government.

8. (1) Any employee of the Central Government or an employee of a public sector undertaking or an establishment under the control of the Central Government who procreates more than two living children, shall not be entitled to any increment or promotion in service.

Disincentives to Government employees.

(2) The leave travel concession facility or any other facility as may be extended by the Central Government from time to time to its employees shall be restricted to only first two children.

9. Any employee of the Central Government or an employee of a public sector undertaking or an establishment under the control of the Central Government, who voluntarily undergoes sterilisation after having two or less than two living children shall be given an incentive equivalent to his one month's basic salary and preference in promotion.

Incentives to Government employees.

10. The provisions of this Act shall not apply to persons who are having more than two living children on the date of commencement of this Act.

Provisions of this Act not to apply to those persons who have more than two children on the date of commencement of this Act.

11. The Central Government shall, after due appropriation made by law by Parliament, provide adequate funds for the implementation of this Act.

Central Government to provide funds for the implementation of the Act.

12. The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

The rate of population growth in the country has assumed alarming proportions. During the last five decades, the population of the country has increased by three times. The average increase in population is over one crore and fifty lakh per year.

This tremendous increase in population engulfs all the benefits of development in the country. Therefore, elementary essential services and basic facilities have not reached the majority of population in the country.

Crores of people are living in sub human conditions in slums. Due to poor conditions, the diseases spread and ultimately affect the health of the people. The problem of the increasing population creates the problem of unemployment. The number of the unemployed persons in the country, as registered with the Employment Exchanges, runs into many lakhs. Moreover, the crimes like robberies and extortions, are increasing because the young unemployed persons take to crime to feed themselves.

The unprecedented increase in population has added to the problem of unauthorized constructions in cities because there is acute shortage of dwelling units and the result is that the number of unauthorized constructions has overtaken the authorized ones. Unauthorized constructions has also led to corruption at all levels. If the population keeps on increasing, many of our cities will become unliveable.

Merely making people self-conscious about the need to have a small family has not produced the desired results of restricting the population growth. Hence, it has become imperative that a scheme of incentives and disincentives be formulated to restrict the population growth.

The Bill seeks to achieve the above objective.

NEW DELHI;
July 26, 2005

DAGGUBATI PURANDESWARI

FINANCIAL MEMORANDUM

Clause 6 of the Bill provides that certain schemes and facilities are to be given to those couples who have two children. Clause 9 provides for one month's basic pay as an incentive to those who undergo sterilisation after two or less than two living children. Clause 11 provides that Government would provide funds after due appropriation by Parliament, for implementation of the provisions of the Bill. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. The State Governments will also incur expenditure from their respective Consolidated Funds although the Central Government will have to extend financial assistance to State Governments and also implement the provisions in Union territories. It is estimated that a sum of rupees fifty crore may be involved as recurring expenditure per annum from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 105 OF 2005

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

Short title.

1. This Act may be called The Constitution (Amendment) Act, 2005.

Substitution of
new article for
article 48A.

2. For article 48A of the Constitution, the following article shall be substituted, namely:—

Protection and
improvement
of environment
and safeguarding
of forests and
wildlife.

"48A. The State shall endeavour to protect and improve the environment so as to ensure a pollution-free environment for its citizens; and to safeguard the forests and wildlife of the country and constitute such enforcement agencies as it considers necessary for implementing the provisions of this article.".

Explanation: For the purpose of this article, the expression "environment" means and includes water, both surface and underground, air and land including the surface of the earth, sub-soil and forests (the flora and the fauna) and the inter-relationship which exists between water, air and land and human beings, other living creatures, plants, micro-organisms and property exclusive of mere amenities.".

STATEMENT OF OBJECTS AND REASONS

India is a vast country with a huge population. Although, there is a provision in the Constitution for protection of environment, yet this remains a neglected area. Today, environment has been polluted to such an extent that half of our population is being affected as a result. Although, Government has taken many steps to protect the environment, yet the efforts are to be supplemented by voluntary organisations and individuals.

The environment is polluted blatantly by many agencies and there is virtually no check on it. It is the duty of the Government to secure for the citizens a pollution free environment. It is, therefore, proposed to amend the Constitution to provide for a pollution free environment and to constitute enforcement agencies for checking environmental pollution.

Hence this Bill.

NEW DELHI,
July 26, 2005

DAGGUBATI PURANDESWARI

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the Constitution of enforcement agencies for safeguarding forests and wildlife of the country. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees twenty-five crore will be incurred per annum.

A non-recurring expenditure of rupees ten crore is also likely to be involved.

BILL NO. 112 OF 2005

A Bill to provide for health insurance for the benefit of persons living below poverty line and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

Short title, extent and commencement. 1. (1) This Act may be called the Health Insurance (for Persons Living Below Poverty Line) Act, 2005.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Definitions. 2. In this Act, unless the context otherwise requires,—

(i) "persons living below poverty line" means persons, whose annual income from all sources is less than rupees fifty thousand; and

(ii) "prescribed" means prescribed by rules made under this Act.

Health Insurance Scheme. 3. The Central Government shall frame a health insurance scheme for persons living below poverty line.

4. (1) The Central Government shall, through the State Government or the Union territory administration, as the case may be, issue a health card to every citizen living below poverty line.

Health cards to persons living below poverty line.

(2) The health card shall contain the details such as name and age, address, details of family members, annual income and such other information as may be prescribed.

5. Any citizen, who is entitled to a health card but has not been issued the same, may approach the district administration, which shall, after necessary verification, issue the health card.

Citizens to approach District Administration if card is not issued to them.

6. (1) Any person, who has been issued a health card, may approach any hospital, including a privately run hospital for treatment of self or any of his family members, whose name has been included in the health card.

Right of health cardholders to get treatment from hospitals.

(2) The hospital shall not charge any fees from the cardholder for his treatment or treatment of any member of his family and shall also provide the prescribed medicines free of charge.

(3) The hospital shall make entries in the health card regarding the total expenditure incurred by it in the treatment of the cardholder or his family members and send a copy of the detailed expenses to the Central Government in such manner as may be prescribed.

7. The total expenditure on the treatment in respect of a health cardholder and his family members shall not exceed rupees twenty-five thousand per year:

Limit of expenditure on the treatment of cardholders.

Provided that the cardholder may submit an application in the form as may be prescribed to the Central Government for enhancing the limit in case of any critical illness and the Central Government may allow an enhanced expenditure for the treatment of the particular disease.

8. Subject to the provisions of section 7, no hospital shall refuse treatment of any cardholder, on the ground that the cardholder has not made any advance deposit with the hospital for treatment.

Hospitals not to refuse treatment to cardholders.

9. The hospital shall make its claim for reimbursement of expenses in connection with treatment of a cardholder or a member of his family to the Central Government in such manner as may be prescribed.

Procedure for reimbursement.

10. The Central Government on receipt of a claim under section 9, shall process the same and reimburse the expenses within a month of receipt of the claim to the hospital concerned.

Reimbursement to be made within a month.

11. (1) Every cardholder shall be insured for a sum of rupees twenty-five thousand.

Life insurance for nominee of the cardholder.

(2) The amount of insurance shall be paid to a nominee of the cardholder in case of his death.

(3) The premium for insurance of the cardholder shall be paid by the Central Government.

12. If any hospital refuses to treat any cardholder or member of his family without any valid reason, the Central Government shall issue directions for cancellation of the license of the hospital.

Penalty for violation.

13. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Poor people cannot afford treatment in hospitals as it has become a costly affair. Huge crowds in Government Hospitals discourage elderly, physically challenged persons and women from taking treatment there. As a result, they are left uncared for. Even in Government Hospitals, they have to spend money on purchasing medicines, etc.

India being a welfare State, care has to be taken by the Government for under privileged sections of the society. It is proposed to provide that persons living below poverty line will be allowed to take treatment in hospitals including private hospitals and there is also a provision for their life insurance.

This, it is hoped, will mitigate the hardship of the poor people to some extent.

Hence this Bill.

NEW DELHI;
July 26, 2005

K.S. RAO

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for a health insurance scheme for all persons living below poverty line. Clause 4 provides for issuance of health cards to all persons living below poverty line to enable them to take treatment in hospitals. Clause 10 provides for reimbursement of expenses by the Central Government to the hospitals concerned. There is also a provision for life insurance of the cardholder under clause 11.

The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees five thousand crore per annum.

A non-recurring expenditure of about rupees one thousand crore will also be involved for issuing health cards.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 13 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill.

As the rules will relate to matters of details only, the delegation of legislative power is of a normal character.

BILL No. 114 OF 2005

A Bill to provide for issue of identity cards to all the citizens of the country and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Citizens (Identity Card) Act, 2005.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

Definitions.

(i) “appropriate Government” means the State Government or the Central Government, as the case may be;

(ii) “citizen” means a citizen of India as defined under the Citizenship Act, 1955; and

(iii) “prescribed” means prescribed by rules made under this Act.

Issue of identity card to every citizen.

3. The Central Government shall issue identity card to every citizen of the country:

Provided that no identity card shall be issued to a child who is below the age of five years but the details of such child shall be entered in the identity card issued to his father/mother.

Information in identity cards.

4. The identity card issued under section 3 shall contain the following information, namely:—

- (i) full name with latest photograph;
- (ii) date of birth;
- (iii) father's/husband's name;
- (iv) address;
- (v) occupation;
- (vi) blood group;
- (vii) telephone number, if any;
- (viii) religion/caste;
- (ix) number of children; and
- (x) remarks column.

District Collector to act as nodal officer for the issue of identity cards within his district.

5. (1) Every District Collector shall act as the nodal officer for the issue of identity cards within the jurisdiction of his district.

(2) The appropriate Government shall provide adequate staff to every District Collector for the purpose of issuing identity cards.

List of names of citizens who will get the identity cards.

6. (1) A list of names of those citizens who are eligible to get the identity cards shall be published in all the leading newspapers and shall be displayed at such other place where the public have an access.

(2) If the name of any citizen has been left out from the list, he shall immediately bring it to the notice of the District Collector concerned for inclusion of his name in the list.

Facilities for issue of forms and photographs.

7. The District Collector shall make available all facilities regarding application forms and photographs of citizens for the purpose of issue of identity cards at convenient locations within his jurisdiction.

Identity cards to be issued within six months.

8. (1) The identity card shall be issued to every citizen at the earliest but not later than six months from the date of commencement of this Act.

(2) The entire expenditure on issue of identity cards shall be borne by the Central Government.

Change in the details of identity card.

9. (1) It shall be the duty of head of the each family to intimate in writing to the District Collector—

- (i) regarding any change in the details of identity card issued to a member of his family; and
- (ii) about the birth and death of any member in his family.

(2) The District Collector on a request shall issue a revised identity card to the citizen on payment of such fee as may be prescribed.

Utilization of identity card.

10. The identity card issued under section 3 shall be used for such purposes as may be prescribed.

Power to make rules.

11. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

India has a population of more than one billion. Therefore, it is a difficult task to conduct an accurate census. It becomes more difficult as nearly twenty per cent of our population do not have any proper place to live. Since there is no correct census figure, it has become difficult to formulate plans and projects. All plans go haywire because of incorrect data.

Therefore, it is proposed to provide that every citizen will be issued an identity card which can be used for multi purposes like proof of age, date of birth, etc. Since it would be beneficial for the citizens to possess the identity cards, it is hoped that they would come forward to get their identity cards. Moreover, by this the illegal immigrants can be identified and deported.

The Bill seeks to achieve the above objective.

NEW DELHI;
July 26, 2005.

K.S. RAO

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Government shall issue identity card to every citizen. Clause 5 provides for provision of adequate staff to District Collector for issuing identity cards. Clause 6 provides that names of those citizens who are eligible for identity cards shall be published in all the newspapers. Clause 7 provides that all the facilities regarding application forms and photographs of citizens for identity cards shall be provided. Clause 8 provides that the entire expenditure on issue of identity cards shall be borne by the Central Government. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees five hundred crore per annum.

A non-recurring expenditure of about rupees three thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to frame rules for carrying out the provisions of the Bill. The delegation of legislative power is of a normal character since the rules will relate to matters of detail only.

BILL No. 113 OF 2005

A Bill further to amend the Indian Penal Code, 1860.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Indian Penal Code (Amendment) Act, 2005.

(2) It shall come into force at once.

Amendment of section 375.

2. In section 375 of the Indian Penal Code, 1860,—

45 of 1860

(i) in the thirdly description, after the words, "any person in whom she is interested in fear of death or of hurt" the words;

"or when her consent has been obtained by a person using his position in the Government, business or public life or by luring her by offer of monetary or other gains in lieu of her consent." shall be added; and

(ii) In the sixthly description, for the words, "sixteen years", the words "eighteen years" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The principle of gender justice and equality has been given paramount importance in our Constitution. But, in practice it is regularly flouted. This amendment is moved with a purpose to ensure gender justice and equality before law without any discrimination based on sex. Incidents of rape in the country are increasing day by day. And in many cases, it has been found that the victim is lured into giving consent by using the influential position, the man is enjoying in Government, business or in public life. It is also a known fact that the consent is obtained by offering woman huge amount of money and wealth or other gains. It happens generally when the woman is employed in some organisation. It also happens when the woman is relatively poor and needy.

As per law, a person is considered major only when he or she completes the age of eighteen. When a person is major, he or she can freely decide about his or her marriage, property transactions, etc. But, it is strange to note that the Indian Penal Code takes a different view and section 375 says that sexual intercourse with a woman under sixteen years of age, *i.e.* when she is a minor, whether with or without her consent would be treated as rape.

This contradiction should be removed. At the age of sixteen, no law considers a person major or adult. If a girl is married by the parents at the age of sixteen, it is considered as child marriage and hence an offence.

In this context it is high time that the Indian Penal Code, 1860 is amended to provide that sexual intercourse with a woman under eighteen years of age, with or without her consent, would be considered as rape.

As it is today, section 375 of Indian Penal Code is heavily tilted against women and it provides loopholes for the rapist to escape punishment. It may be noted that in a recent case of rape, the judgment of Kerala High Court let the rapists escape punishment as the girl was sixteen. In this context, it is necessary that justice is ensured to women.

Hence this Bill.

NEW DELHI;

July 26, 2005.

C.K. CHANDRAPPA

BILL NO. 107 OF 2005

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

Short title.

1. (1) This Act may be called the Constitution (Amendment) Act, 2005.

Amendment
of the Eighth
Schedule.

2. In the Eighth Schedule to the Constitution,—

(i) entries 3 to 16 shall be renumbered as entries 4 to 17, respectively, and before entry 4 as so renumbered, the following entry shall be inserted, namely:—

“3. Bhojpuri.”;

(ii) after entry 17 as so renumbered, the following entry shall be inserted, namely:—

“18. Rajasthani.”;

(iii) existing entries 17 to 22 shall be renumbered as entries 19 to 24, respectively.

STATEMENT OF OBJECTS AND REASONS

The Eighth Schedule to the Constitution includes 22 languages as national languages of India, spoken and written by our people. It is presumed that it is around these languages that the education, culture and intellectual pursuits of our people grow and flourish.

But it is unfortunate that the languages spoken and written by millions of people with distinct culture such as "Bhojpuri" and "Rajasthani" do not find place in the Eighth Schedule.

Bhojpuri is the mother tongue of large number of people in parts of Bihar, Jharkhand and eastern U.P. Rajasthani is a language spoken by overwhelming majority of people of Rajasthan.

For the promotion of literacy and development of these languages, it is necessary that these languages are included in the Eighth Schedule to the Constitution.

Hence this Bill.

NEW DELHI,
July 26, 2005

C.K. CHANDRAPPAN

BILL No. 111 OF 2005

A Bill further to amend the Forest (Conservation) Act, 1980.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Forest (Conservation) Amendment Act, 2005.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 2.

2. In section 2 of the Forest (Conservation) Act, 1980, in the Explanation, for the words beginning with "but does not include" and ending with the words "like purposes", the words "but does not include any work relating or ancillary to mining, conservation, development and management of forests and wild-life, namely, the establishment of check-posts, fire lines, wireless communications and construction of fencing, bridges and culverts, dams, waterholes, trench marks, boundary marks, pipelines or other like purposes or construction of roads, water tanks in rural areas or laying of pipelines for sewer/drinking water or erection of poles for transmission and distribution of electricity or telecommunications or any other developmental activity or schemes" shall be substituted.

69 of 1980.

STATEMENT OF OBJECTS AND REASONS

The Forest (Conservation) Act, 1980 has put some restrictions on the dereservation of forests or use of forest land for non-forest purposes. The explanation below section 2 of the Act, however, makes some exception and permits the use of forest land for certain purposes like establishment of check-posts, fire lines, wireless communications and construction of fencing, bridges and culverts, dams, waterholes, trench marks, boundary marks, pipelines or other like purposes. But there is no provision in the Act to cover utility services like construction of public roads, laying of sewer lines, construction of water tanks, construction of electric poles for transmission and distribution of electric supply and laying telephone lines, etc. All such proposals have to be referred to the Central Government for approval.

Under section 3 of the Act, the approval in such cases has to be accorded by the Central Government on the advice of a Committee to be constituted for the purpose. This causes undue delay in the clearance of projects in various parts of the country which hampers the development of the region. It is, therefore, proposed to amend the Act and make a provision that the proposal for clearance of forest land for some specified utility shall not require any prior approval of the Central Government.

Hence this Bill.

NEW DELHI;
July 25, 2005.

BACHI SINGH RAWAT

P. D. T. ACHARY,
Secretary-General.